

FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV. 11-2000)

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

#588.1034

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

To be assigned **10/506599**

INTERNATIONAL APPLICATION NO.

**PCT/DE03/00530**

INTERNATIONAL FILING DATE

**20 February 2003 (20.02.03)**

PRIORITY DATE CLAIMED

**04 March 2002 (04.03.02)**

TITLE OF INVENTION

**AIR CONDITIONER**

APPLICANT(S) FOR DO/EO/US

**Thomas Di VITO et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 319 076 208 US**
23. ☒ Other items or information:

**Application Data Sheet, Letter re. Priority**

U.S. APPLICATION NO. (IF KNOWN) (SEE 37 CFR 1.53) <b>To be assigned</b>	INTERNATIONAL APPLICATION NO. <b>PCT/DE03/00530</b>	ATTORNEY'S DOCKET NUMBER <b>588.1034</b>
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24. The following fees are submitted:.				<b>CALCULATIONS PTO USE ONLY</b>	
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b>					
<input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....				\$1080.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....				\$920.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....				\$770.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....				\$730.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....				\$100.00	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$1,080.00</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$0.00	
<b>CLAIMS</b>		<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	
Total claims	35	- 20 =	15	x \$18.00	\$270.00
Independent claims	2	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable).				<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,350.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
<b>SUBTOTAL =</b>				<b>\$1,350.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,350.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				<input type="checkbox"/>	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,350.00</b>	
				<b>Amount to be: refunded</b>	\$
				<b>charged</b>	\$

- a. ☒ A check in the amount of \$1,350.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0552
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14th Floor  
New York, NY 10018  
(212) 736-1940

SIGNATURE

Cary S. Kappel

NAME

36,561

REGISTRATION NUMBER

September 2, 2004

DATE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Thomas Di VITO, et al.

Docket No.

588.1034US

Serial No.  
PCT/DE03/00530Filing Date  
February 20, 2003Examiner  
To Be AssignedGroup Art Unit  
To Be Assigned

Invention: AIR CONDITIONER

I hereby certify that the following correspondence:

Application Filed Under 35 U.S.C. 371 with Accompanying Documents.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 2, 2004

(Date)

Mark McLean

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EV 319 076 208 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.